

### **REMARKS**

This response is submitted with a Request for Continued Examination and appropriate fee in reply to the final Office Action dated September 19, 2006. Claims 1-44 currently stand rejected. Applicants have amended independent claims 1, 17 and 29 to further distinguish the claimed invention over the cited references. Claims 9, 10, 22, 23, 33 and 34 have been canceled, without prejudice. Claims 11, 12 and 35 have been amended to correct their dependency due to the cancellation of other claims. Newly added claims 45-47 have been added to further define patentable aspects of the invention. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present application.

#### **Claim Rejections Under 35 U.S.C. §102(e)**

Claims 1, 3, 4, 14, 17, 25-29, 33, 38, 39 and 41 stand rejected under 35 U.S.C. §102(e) as being anticipated by Liebenow (U.S. Patent Application Publication No. 2004/0162117). Claim 33 has been canceled, without prejudice, and thus the rejection of claim 33 is now moot.

Independent claim 1 has been amended to recite, *inter alia*, a processing unit configured to execute a network association routine to create a sub-network including one or more mobile terminals or digital devices. Applicants respectfully submit that the above recited feature is substantially similar to the subject matter of canceled claims 9 and 10.

Liebenow is directed to a cellular or cordless phone capable of power line networking using its base station and/or charger. However, Liebenow fails to teach or suggest a processing unit configured to execute a network association routine to create a sub-network including one or more mobile terminals or digital devices as recited in independent claim 1. Furthermore, Liebenow was not cited as disclosing such feature in connection with the rejection of claim 9, the subject matter of which is now incorporated into independent claim 1. Accordingly, independent claim 1 is not anticipated by Liebenow. Independent claims 17 and 29 have also been amended to include similar recitations to that of independent claim 1 with respect to execution of a network association routine to create a sub-network including one or more mobile terminals or digital devices. Thus, independent claims 17 and 29 are not anticipated by Liebenow for at least

the reasons given above for independent claim 1. Claims 3, 4, 14, 25-28, 38, 39 and 41 depend either directly or indirectly from corresponding ones of independent claims 1, 17 and 29, and thus include all the recitations of their corresponding independent claims. Therefore, dependent claims 3, 4, 14, 25-28, 38, 39 and 41 are not anticipated by Liebenow for at least those reasons given above for independent claims 1, 17 and 29.

Accordingly, for all the reasons stated above, Applicants respectfully submit that the rejections of claims 1, 3, 4, 14, 17, 25-29, 38, 39 and 41 as being anticipated by Liebenow are overcome.

**Claim Rejections Under 35 U.S.C. §103(a)**

Claims 2, 5-13, 15, 18-24, 30 and 34-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Liebenow in view of Tomlinson Jr. (U.S. Patent Application Publication No. 2003/0100288). Claim 40 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Liebenow in view of Ackley (U.S. Patent Application Publication No. 2004/0259537). Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Liebenow in view of Tomlinson Jr. and further in view of Pederson (U.S. Patent Application Publication No. 2004/0198403). Claims 31 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Liebenow in view of Tomlinson Jr. and further in view of Smeets (U.S. Patent Application Publication No. 2002/0132605). Claims 42-44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Liebenow in view of well known prior art. Claims 9, 10, 22, 23 and 34 have been canceled, without prejudice and therefore the rejections of these canceled claims are now moot.

As stated above Liebenow fails to teach or suggest a processing unit configured to execute a network association routine to create a sub-network including one or more mobile terminals or digital devices as recited in independent claim 1. In connection with the rejections of claim 9, the Office Action attempted to cure the admitted deficiency of Liebenow by citing Tomlinson Jr. Specifically, the Office Action asserts that the execution of a network association routine to associate one or more mobile terminals with the device is disclosed by Tomlinson Jr. at paragraph [0022]. The Office Action further asserts that by virtue of disclosure at paragraph

[0023] and FIG. 3 item 310, Liebenow discloses creation of sub-networks. However, Applicants respectfully submit that the combination of Tomlinson Jr. and Liebenow fails to teach or suggest the above recited feature.

Liebenow discloses, at paragraph [0023] and FIG. 3 item 310, a data connection between the personal computer (310) and a phone. However, even assuming for the sake of argument that the data connection of Liebenow could be considered as a sub-network including the phone and the personal computer (310) (an argument with which Applicants expressly disagree), Liebenow lacks the feature of executing a network association routine to create the sub-network. Tomlinson Jr. is directed to an enhanced bridge between a power line communication (PLC) system and a radio frequency (RF) communication system. In this regard, Tomlinson Jr. discloses at paragraph [0022] that a controller (118) can be provided with a list of known or vetted RC communication link addresses. However, provision of the list of known or vetted RC communication link addresses is not associated with execution of a network association routine. In fact, Tomlinson Jr. includes no reference to establishing a network by associating devices, much less executing a network association routine to create a sub-network as recited in independent claim 1. Rather, the list of known or vetted RC communication link addresses of Tomlinson Jr. is merely used for the purpose of enabling the controller (118) to discard messages for which it is requested to forward the message to a non-existent address. In other words, rather than execute a network association routine to create a sub-network including one or more mobile terminals or digital devices as recited in independent claim 1, Tomlinson Jr. simply discloses providing information to the controller (118) regarding valid address locations. Thus, Tomlinson Jr. also fails to teach or suggest a processing unit configured to execute a network association routine to create a sub-network including one or more mobile terminals or digital devices as recited in independent claim 1.

Ackley, Pederson and Smeets each also fail to teach or suggest a processing unit configured to execute a network association routine to create a sub-network including one or more mobile terminals or digital devices as recited in independent claim 1 and are not cited as such.

Since the cited references each fail to teach or suggest a processing unit configured to execute a network association routine to create a sub-network including one or more mobile terminals or digital devices as recited in independent claim 1, any combination of the cited references likewise fails to teach or suggest the above recited feature. Thus, independent claim 1 is patentable over the combination of the cited references. Independent claims 17 and 29 have also been amended to include similar recitations to that of independent claim 1 with respect to execution of a network association routine to create a sub-network including one or more mobile terminals or digital devices. Thus, independent claims 17 and 29 are patentable for at least the reasons given above for independent claim 1. Claims 2, 5-8, 11-13, 15, 16, 18-21, 24, 30-32, 35-37 and 42-44 depend either directly or indirectly from corresponding ones of independent claims 1, 17 and 29, and thus include all the recitations of their corresponding independent claims. Therefore, dependent claims 2, 5-8, 11-13, 15, 16, 18-21, 24, 30-32, 35-37 and 42-44 are patentable for at least those reasons given above for independent claims 1, 17 and 29.

Accordingly, for all the reasons stated above, Applicants respectfully submit that the rejections of claims 2, 5-8, 11-13, 15, 16, 18-21, 24, 30-32, 35-37 and 42-44 are overcome.

#### **Newly Added Claims**

Applicants have added new claims 45-47 to more particularly define aspects of the present application. The new claims include no new matter and are fully supported by the specification and the drawings of the present application.


Accordingly, it is believed that the new claims are in condition for allowance.

**CONCLUSION**

In view of the amended claims and the remarks presented above, it is respectfully submitted that all of the claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested in due course. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

  
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